

FILED

FEB 13 2018

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

PETER A. MOORE, JR., CLERK
US DISTRICT COURT, EDNC
BY MB DEP CLK

NO. 5:18-CR-46-1D

UNITED STATES OF AMERICA)
vs.) INFORMATION
ANDREW DAVID PHILLIPS)

The United States Attorney charges that:

COUNT ONE

(Distribution of Child Pornography)

From on or about April 16, 2017 through on or about April 17, 2017, in the Eastern District of North Carolina, ANDREW DAVID PHILLIPS, the defendant herein, did knowingly distribute visual depictions, that is, digital and computer images in files that had been mailed, shipped and transported in interstate and foreign commerce by any means, including by computer, and were received using means and facilities of interstate commerce, i.e., the Internet. The production of these visual depictions involved the use of minors engaging in sexually explicit conduct and were depictions of such conduct. All in violation of Title 18, United States Code, Section 2252(a)(2).

FORFEITURE ALLEGATION

ANDREW DAVID PHILLIPS, the defendant herein, shall forfeit to the United States -

(1) any visual depiction or book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of the offense(s);

(2) any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from the offense(s); and

(3) any property, real or personal, used or intended to be used to commit or to promote the commission of such offense(s)

- all pursuant to Title 18, United States Code, Section 2253(a).

The forfeitable property includes, but is not limited to:

1. Apple iPhone 4s (A1387);
2. 320 GB WD SATA HDD, S/N: WXE309TFA333;
3. Apple iPhone 6s Plus (A1522) (s/n: Fk1Q44LHG5QQ).

If any of the above-described forfeitable property, as a result of any act or omission of the defendant --

- (1) cannot be located upon the exercise of due diligence;

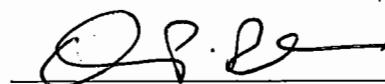
(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty; it is the intent of the United States, pursuant to Title 18, United States Code, Sections 2253 or 1467, whichever may be applicable, to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

ROBERT J. HIGDON, JR.
United States Attorney



BY: DANIEL P. BUBAR
Assistant United States Attorney
Criminal Division